

FINAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 19-001

Specific Purpose:

The specific purpose is to amend this section to 1) delete the parenthetical acronym (W&IC); 2) delete the acronym “AFDC” and adopt the acronym “CalWORKs”; and 3) delete the word “State” and adopt the word “California”.

Factual Basis:

The acronym “W&IC” is not utilized by CDSS as an acronym in regulations. The term “Welfare and Institutions Code” is always spelled out and not abbreviated to “W&IC”.

Assembly Bill (AB) 1542 (Chapter 270, Statutes of 1997) reformed the Aid to Children with Dependant Children (AFDC) Program and, through the adoption of new Welfare and Institutions Code Section 10063(a), renamed the AFDC Program as the California Work Opportunity and Responsibility to Kids (CalWORKs) Program. Deleting the outdated AFDC acronym and replacing it with the most current CalWORKs acronym ensures clarity and consistency with the provisions of Welfare and Institutions Code Section 10063(a).

The California Department of Health Services is neither known as, nor referred to as, the “State Department of Health Services”. To ensure the correct title is used in these regulations the word “State” is being deleted and the word “California” is being adopted.

Section 19-004.412

Specific Purpose:

The specific purpose is to 1) delete the reference to “19-004.9” and adopt the reference to “19-004.42”, and 2) delete the word “Program” and adopt the phrase “and CalWORKs programs”.

Factual Basis:

Welfare and Institutions Code Section 10850.31 allows for the release of confidential information to law enforcement officials. The reference to Manual of Policies and Procedures (MPP) Section 19-004.9 is the incorrect citation. MPP Section 19-004.42 is the correct citation. MPP Section 19-004.42 ensures consistency with the provisions of Welfare and Institutions Code Section 10850.31 as MPP Section 19-004.42 relates to the

exceptions to the general rule for releasing Food Stamp and CalWORKs case information to law enforcement officials.

Deletion of the word “Program” and adoption of the phrase “and CalWORKs programs” ensures consistency with the provisions of Welfare and Institutions Code Section 10063(a). AB 1542 (Chapter 270, Statutes of 1997) reformed the AFDC program and, through the adoption of new Welfare and Institutions Code Section 10063(a), renamed the AFDC Program “CalWORKs”. Deleting the word “Program” and adopting the phrase “and CalWORKs programs” ensures clarity and consistency with the provisions of Welfare and Institutions Code Section 10063(a).

Section 19-004.412(a)

Specific Purpose:

The specific purpose is to 1) delete the misspelled word “releaseable” and adopt the correctly spelled word “releasable”; and 2) delete the acronym “AFDC” and adopt the acronym “CalWORKs”.

Factual Basis:

The word “releasable” was inadvertently misspelled. This word is now spelled correctly.

AB 1542 (Chapter 270, Statutes of 1997) reformed the AFDC program and, through the adoption of new Welfare and Institutions Code Section 10063(a) renamed the AFDC Program “CalWORKs”. Deleting the outdated AFDC acronym and replacing it with the most current CalWORKs acronym ensures clarity and consistency with the provisions of Welfare and Institutions Code Section 10063(a).

Section 19-004.9 – Renumbered as New Section 19-004.42

Specific Purpose:

The specific purpose is to 1) move MPP Section 19-004.9 and renumber it as new MPP Section 19-004.42, and 2) adopt the words “and CalWORKs” to follow after the phrase “Release of Food Stamp”.

Factual Basis:

Welfare and Institutions Code Section 10850.31 allows for the release of confidential information to law enforcement officials. These amendments ensure consistency between Food Stamp and CalWORKs program policy and the release of confidential information to law enforcement officials in accordance with the provisions of Welfare and Institutions Code Section 10850.31.

Moving MPP Section 19-004.9 and renumbering it as new MPP Section 19-004.42 is necessary for better placement of the subject matter of this section, i.e. the Release of

Food Stamp and CalWORKs Case Information to Law Enforcement Officials. Moving the subject matter from MPP Section 19-004.9 to new MPP Section 19-004.42 consolidates all exceptions to the general rule for the release of confidential information to law enforcement officials.

AB 1542 (Chapter 270, Statutes of 1997) reformed the AFDC program and, through the adoption of new Welfare and Institutions Code Section 10063(a), renamed the AFDC Program “CalWORKs”. The addition of the words “and CalWORKs” to follow after the phrase “Release of Food Stamp” ensures consistency and clarity with the provisions of Welfare and Institutions Code Section 10063(a).

Section 19-004.91 – Renumbered as New Section 19-004.421

Specific Purpose:

The specific purpose is to 1) move MPP Section 19-004.91 and renumber it as new MPP Section 19-004.421, 2) delete the word “Program” and adopt the phrase “and CalWORKs programs”; 3) adopt the parenthetical phrase “(with the exception of photo images obtained from the Statewide Fingerprint Imaging System [MPP Sections 40-105.3 and 63-601.12])” to follow after the phrase “and, if available, photograph”; 4) adopt the words “Food Stamp household” to come before the word “member”; 5) delete the phrase “of a household” and adopt the phrase “and/or CalWORKs applicant/recipient”; 6) adopt the words “on request” to come before the phrase “shall be made available”; 7) delete the words “CDSS or” after the phrase “if the officer furnishes”; 8) adopt the words “/applicant/recipient” to come after the phrase “name of the member”; and 9) delete the words “CDSS or”.

Factual Basis:

Welfare and Institutions Code Section 10850.31 allows for the release of confidential information to law enforcement officials. These amendments ensure consistency between Food Stamp and CalWORKs program policy and the release of confidential information to law enforcement officials in accordance with the provisions of Welfare and Institutions Code Section 10850.31.

Moving MPP Section 19-004.91 and renumbering it as new MPP Section 19-004.421 is necessary for better placement of the subject of this section, i.e. Release of Food Stamp and CalWORKs Case Information to Law Enforcement Officials. Moving the subject matter from MPP Section 19-004.91 and renumbering it as new MPP Section 19-004.421 consolidates all exceptions to the general rule for the release of confidential information to law enforcement officials.

AB 1542 (Chapter 270, Statutes of 1997) reformed the AFDC program and, through the adoption of new Welfare and Institutions Code Section 10063(a), renamed the AFDC Program “CalWORKs”. Deleting the word “Program” and adopting the phrase “and CalWORKs programs” ensures consistency with the provisions of Welfare and Institutions Code Section 10063(a).

Welfare and Institutions Code Section 10830 specifies that data obtained from the Statewide Fingerprint Imaging System (SFIS) shall not be disclosed “for any purpose other than the prevention or prosecution of fraud.” Adopting this language ensures:

- a) Consistency and clarity with the provisions of Welfare and Institutions Code Section 10830.
- b) There is, in regulation, a reference to the specific MPP sections that address SFIS for the CalWORKs and Food Stamp programs; i.e. MPP Section 40-105.3 and MPP Section 63-601.12.

Adopting the phrase “Food Stamp household” to come before the word “member” and deleting the words “of a household” is necessary to clearly describe an individual that receives Food Stamp Program benefits.

AB 1542 (Chapter 270, Statutes of 1997) reformed the AFDC program and, through the adoption of new Welfare and Institutions Code Section 10063(a), renamed the AFDC Program “CalWORKs”. Deleting the phrase “of a household” and adopting the phrase “and/or CalWORKs applicant/recipient” ensures consistency with the provisions of Welfare and Institutions Code Section 10063(a).

Adopting the words “on request” to come before the phrase “shall be made available” ensures consistency between Food Stamp and CalWORKs program policies and the release of confidential information to law enforcement officials in accordance with the provisions of Welfare and Institutions Code Section 10850.31.

Deleting the words “CDSS or” after the phrase “if the officer furnishes” ensures consistency with the provisions of Welfare and Institutions Code Section 10850.31 and clarifies that the information requested is provided by the counties.

AB 1542 (Chapter 270, Statutes of 1997) reformed the AFDC program and, through the adoption of new Welfare and Institutions Code Section 10063(a), renamed the AFDC Program “CalWORKs”. Adopting the words “/applicant/recipient” to come after the phrase “name of the member” ensures consistency with the provisions of Welfare and Institutions Code Section 10850.31.

Deleting the words “CDSS or” after the word “notifies” ensures consistency with the provisions of Welfare and Institutions Code Section 10850.31 and clarifies that the information about the member/applicant/recipient complies with one of the certain circumstances identified in new MPP Sections 19-004.421(a)-(e).

Section 19-004.911 – Renumbered as New Section 19-004.421(a)

Specific Purpose:

The specific purpose is to 1) move MPP Section 19-004.911 and renumber it as new MPP Section 19-004.421(a); 2) adopt the phrase “/applicant/recipient” to come after the words “The member”; 3) delete the parenthetical phrase “(or attempt to commit a crime)”; 4) adopt the phrase “/applicant/recipient” to come after the words “under the law of the place of the member”; and 5) delete the words “if from” and adopt the phrase “in the case of”.

Factual Basis:

Welfare and Institutions Code Section 10850.31 allows for the release of confidential information to law enforcement officials under certain circumstances. These certain circumstances are identified in new MPP Sections 19-004.421(a)-(e). MPP Section 19-004.421(a) identifies one of the certain circumstances when CalWORKs Program case information may be released to law enforcement officials.

Moving MPP Section 19-004.911 and renumbering it as new MPP Section 19-004.421(a) is necessary for better placement of the subject of this section i.e. Release of Food Stamp and CalWORKs Case Information to Law Enforcement Officials. Moving the subject matter from MPP Section 19-004.911 to new MPP Section 19-004.421(a) consolidates all exceptions to the general rule for the release of confidential information to law enforcement officials.

AB 1542 (Chapter 270, Statutes of 1997) reformed the AFDC program and, through the adoption of new Welfare and Institutions Code Section 10063(a), renamed the AFDC Program “CalWORKs”. Adopting the words “/applicant/recipient” to come after the word “member” ensures consistency with the provisions of Welfare and Institutions Code Section 10850.31.

Deleting the parenthetical phrase “(or attempt to commit a crime)” ensures consistency with Welfare and Institutions Code Section 10850.31.

AB 1542 (Chapter 270, Statutes of 1997) reformed the AFDC program and, through the adoption of new Welfare and Institutions Code Section 10063(a), renamed the AFDC Program “CalWORKs”. Adopting the words “/applicant/recipient” to follow immediately after the phrase “under the law of the place the member” ensures consistency with the provisions of Welfare and Institutions Code Section 10850.31.

Deleting the phrase “if from”, and adopting the words “in the case of” ensures consistency with Welfare and Institutions Code Section 10850.31.

Section 19-004.912 – Renumbered as New Section 19-004.421(b)

Specific Purpose:

The specific purpose is to 1) move MPP Section 19-004.912 and renumber it as new MPP Section 19-004.421(b), and 2) adopt the phrase “/applicant/recipient” to come after the words “The member”.

Factual Basis:

Welfare and Institutions Code Section 10850.31 allows for the release of confidential information to law enforcement officials under certain circumstances. These certain circumstances are identified in new MPP Sections 19-004.421(a)-(e). MPP Section 19-004.421(b) identifies one of the certain circumstances when CalWORKs Program case information may be released to law enforcement officials.

Moving MPP Section 19-004.912 and renumbering it as new MPP Section 19-004.421(b) is necessary for better placement of the subject of this section, i.e. Release of Food Stamp and CalWORKs Case Information to Law Enforcement Officials. Moving the subject matter from MPP Section 19-004.912 and renumbering it as new MPP Section 19-004.421(b) consolidates all exceptions to the general rule for the release of confidential information to law enforcement officials.

AB 1542 (Chapter 270, Statutes of 1997) reformed the AFDC program and, through the adoption of new Welfare and Institutions Code Section 10063(a), renamed the AFDC Program “CalWORKs”. Adopting the words “/applicant/recipient” to come after the word “member” ensures consistency with the provisions of Welfare and Institutions Code Section 10850.31.

Section 19-004.913 – Renumbered as New Section 19-004.421(c)

Specific Purpose:

The specific purpose is to 1) move MPP Section 19-004.913 and renumber it as new MPP Section 19-004.421(c); 2) adopt the phrase “/applicant/recipient” to come after the words “The member”; 3) delete the reference to “19-004.911 and .912” and adopt the phrase “19-004.421(a) and .421(b) and”.

Factual Basis:

Welfare and Institutions Code Section 10850.31 allows for the release of confidential information to law enforcement officials under certain circumstances. These certain circumstances are identified in new MPP Sections 19-004.421(a)-(e). MPP Section 19-004.421(c) identifies one of the certain circumstances when CalWORKs Program case information may be released to law enforcement officials.

Moving MPP Section 19-004.913 and renumbering it as new MPP Section 19-004.421(c) is necessary for better placement of the subject of this section, i.e. Release of Food Stamp and CalWORKs Case Information to Law Enforcement Officials. Moving the subject matter from MPP Section 19-004.913 and renumbering it as new MPP Section

19-004.421(c) consolidates all exceptions to the general rule for the release of confidential information to law enforcement officials.

AB 1542 (Chapter 270, Statutes of 1997) reformed the AFDC program and, through the adoption of new Welfare and Institutions Code Section 10063(a), renamed the AFDC Program “CalWORKs”. Adopting the phrase “/applicant/recipient” to come after the words “The member” ensures consistency with Welfare and Institutions Code Section 10850.31.

Welfare and Institutions Code Section 10850.31 allows for the release of confidential information to law enforcement officials. The references to MPP Sections 19-004.911 and .912 are incorrect citations. MPP Sections 19-004.421(a) and .421(b) are the correct citations. Adopting the phrase “19-004.421(a) and .421(b) and” ensures a correct citation to the MPP sections that have been renumbered.

Section 19-004.914 – Renumbered as New Section 19-004.421(d)

Specific Purpose:

The specific purpose is to 1) move MPP Section 19-004.914 and renumber it as new MPP Section 19-004.421(d); 2) adopt the phrase “/applicant/recipient” to come after the words “the member”; and 3) adopt the phrase “of the law enforcement officer and” to come after the words “an official duty”.

Factual Basis:

Welfare and Institutions Code Section 10850.31 allows for the release of confidential information to law enforcement officials under certain circumstances. These certain circumstances are identified in new MPP Sections 19-004.421(a)-(e). MPP Section 19-004.421(d) identifies one of the certain circumstances when CalWORKs Program case information may be released to law enforcement officials.

Moving MPP Section 19-004.914 and renumbering it as new MPP Section 19-004.421(d) is necessary for better placement of the subject of this section, i.e. Release of Food Stamp and CalWORKs Case Information to Law Enforcement Officials. Moving the subject matter from MPP Section 19-004.914 and renumbering it as new MPP Section 19-004.421(d) consolidates all exceptions to the general rule for the release of confidential information to law enforcement officials.

AB 1542 (Chapter 270, Statutes of 1997) reformed the AFDC program and, through the adoption of new Welfare and Institutions Code Section 10063(a), renamed the AFDC Program “CalWORKs”. Adopting the phrase “/applicant/recipient” to come after the words “The member” ensures consistency with Welfare and Institutions Code Section 10850.31.

Adopting the phrase “of the law enforcement officer and” to come after the words “an official duty” ensures clarity and consistency with the provisions of Welfare and Institutions Code Section 10850.31.

Section 19-004.915 – Renumbered as New Section 19-004.421(e)

Specific Purpose:

The specific purpose is to move MPP Section 19-004.915 and renumber it as new MPP Section 19-004.421(e).

Factual Basis:

Welfare and Institutions Code Section 10850.31 allows for the release of confidential information to law enforcement officials under certain circumstances. These certain circumstances are identified in new MPP Sections 19-004.421(a)-(e). MPP Section 19-004.421(e) identifies one of the certain circumstances when CalWORKs Program case information may be released to law enforcement officials.

Moving MPP Section 19-004.915 and renumbering it as new MPP Section 19-004.421(e) is necessary for better placement of the subject of this section, i.e. Release of Food Stamp and CalWORKs Case Information to Law Enforcement Officials. Moving the subject matter from MPP Section 19-004.915 and renumbering it as new MPP Section 19-004.421(e) consolidates all exceptions to the general rule for the release of confidential information to law enforcement officials.

Section 19-004.62

Specific Purpose:

The specific purpose is to 1) delete the acronym “AFDC” and adopt the acronym “CalWORKs”.

Factual Basis:

AB 1542 (Chapter 270, Statutes of 1997) reformed the AFDC program and, through the adoption of new Welfare and Institutions Code Section 10063(a), renamed the AFDC Program “CalWORKs”. Deleting the outdated AFDC acronym and adopting the current CalWORKs acronym ensures consistency with Welfare and Institutions Code Section 10063(a).

Section 19-005.21

Specific Purpose:

The specific purpose is to delete the acronym “AFDC” and adopt the acronym “CalWORKs”.

Factual Basis:

AB 1542 (Chapter 270, Statutes of 1997) reformed the AFDC program and, through the adoption of new Welfare and Institutions Code Section 10063(a), renamed the AFDC Program “CalWORKs”. Deleting the outdated AFDC acronym and adopting the current CalWORKs acronym ensures consistency with Welfare and Institutions Code Section 10063(a).

Section 19-007.1

Specific Purpose:

The specific purpose is to delete the acronym “AFDC” and adopt the acronym “CalWORKs”.

Factual Basis:

AB 1542 (Chapter 270, Statutes of 1997) reformed the AFDC program and, through the adoption of new Welfare and Institutions Code Section 10063(a), renamed the AFDC Program “CalWORKs”. Deleting the outdated AFDC acronym and adopting the current CalWORKs acronym ensures consistency with Welfare and Institutions Code Section 10063(a).

Section 20-300.32

Specific Purpose:

The specific purpose is to 1) delete the word “new” that comes before the words “disqualification penalties”, 2) delete the year “1984”, and 3) adopt the year “1983”.

Factual Basis:

The Code of Federal Regulations (CFR), Title 7, Section 273.16(b)(6) specifies that one or more Intentional Program Violations (IPV) which occurred prior to April 1, 1983 shall be considered as only one previous disqualification when determining the appropriate penalty to impose in a case under consideration.

IPV disqualification penalties are not new. Deleting the word “new” prevents any misunderstanding that there may be new IPV disqualification penalties other than the penalties specified by CFR, Title 7, Section 273.16(b)(6).

Deleting the year “1984” and adopting the year “1983” is necessary to reference the correct year the provision was implemented.

Existing Section 20-300.33

Specific Purpose:

The specific purpose is to delete the phrase “the implementation of these penalties” and adopt the phrase “April 1, 1983”.

Factual Basis:

The CFR, Title 7, Section 273.16(b)(6) specifies that one or more IPV which occurred prior to April 1, 1983 shall be considered as only one previous disqualification when determining the appropriate penalty to impose in a case under consideration.

Deleting the phrase “the implementation of these penalties” and adopting the phrase “April 1, 1983” clarifies how to determine the total number of IPV’s that an individual could have.

b) Identification of Documents Upon Which Department Is Relying

AB 1542 (Chapter 270, Statutes of 1997)

AB 2772 (Chapter 902, Statutes of 1998)

c) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

d) Statement of Alternatives Considered

The CDSS has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of significant Adverse Economic Impact on Business

The CDSS has determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

f) Testimony and Response

These regulations were considered as Item #1 at a public hearing held on May 23, 2002. The public hearing was preceded by a 45-day public comment period from April 5, 2002 through May 20, 2002. No verbal testimony was presented at the public hearing.

Written comments were received from the following individual:

Jody Rellar
Contra Costa County

(JRCCC)

The summarized comments and the Department's responses follow:

General (JRCC)

- 1) "Can Sections W&I 10850.5 and W&I 10850.9 be added under 19-000?"

Response: The Department does not agree with this suggestion. Welfare and Institutions Code Sections 10850.5 and .9 do not apply to MPP Sections 19-000 et al. Therefore, the provisions of Welfare and Institutions Code Sections 10850.5 and .9 will not be added to MPP Sections 19-000.

Section 19-004.412

- 2) Comment: (JRCCC)

"The changes to .412 should reference misdemeanor along with a felony arrest warrant to agree with W&I code 10850.3."

Response: The Department does not agree with this suggestion. Neither AB 1542 (Chapter 270, Statutes of 1997) nor AB 2772 (Chapter 902, Statutes of 1998) address Welfare and Institutions Code Section 10850.3. The amendment made to MPP Section 19-004.412 is limited to changes mandated by AB 1542 and AB 2772.

Section 19-004.42

- 3) Comment: (JRCCC)

"In Section .42 – add the words 'any one of the following applies' at the end of the paragraph."

Response: The Department does not agree with this suggestion. Welfare and Institutions Code Section 10850.31(a) ends with the phrase "...and notifies the county welfare department that the following apply:" Welfare and Institutions Code Section 10850.31(a)(1) states "Any one of the following applies:" Therefore, Welfare and Institutions Code Section 10850.31(a)(1) clarifies that **any** of the provisions specified by Welfare and Institutions Code Sections 10850.31(a)(1)(A), (B), (C), (a)(2), or (a)(3) apply. Adding the words 'any one of the following applies' at the end of Section 19-004.42 is repetitive and unnecessary.

Section 19-004.42(b)

- 4) Comment: (JRCCC)

"In Section .42, ~~912(b)~~ the word **OR** at the end of the paragraph should not appear so as to agree with the W&I code."

Response: The Department does not agree with this suggestion. Welfare and Institutions Code Section 10850.31(a) ends with the phrase "...and notifies the county welfare department that the following apply:" Welfare and Institutions Code Section 10850.31(a)(1) states: "**Any** one of the following applies:" (emphasis added), which are the conditions specified by Welfare and Institutions Code Sections 10850.31(a)(1), (a)(1)(A), (a)(1)(B) **or** (a)(1)(C) (emphasis added). Therefore, the use of the word "or" is correct for MPP Section 19-004.42(b).

Section 19-004.42(c)

5) Comment: (JRCC)

"In Section .42, ~~913(b)~~ the word **AND** should not appear at the end of the paragraph so as to agree with the W&I code."

Response: The Department does not agree with this suggestion. Welfare and Institutions Code Section 10850.31(a) ends with the phrase "...and notifies the county welfare department that the following apply:" The use of the word "and" at the end of MPP Section 19-004.42(c) clarifies that the provisions of Welfare and Institutions Code Sections 10850.31(a)(1), (a)(2), **and** 10850.31(a)(3) are all applicable (emphasis added). Therefore, using the word "and" at the end of MPP Section 19-004.42(c) is correct.

g) 15-Day Renotice Statement

Due to the fact that the Department did not make any changes to the original text there was no 15-day renotece.